
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

DANIEL BUTTERFIELD,

Plaintiff,

v.

INTERMOUNTAIN HOMECARE &
HOSPICE,

Defendant.

**MEMORANDUM DECISION AND
ORDER ADOPTING [30] REPORT AND
RECOMMENDATION**

Case No. 2:22-cv-00768-DBB-JCB

District Judge David Barlow

The Report and Recommendation¹ issued by United States Magistrate Judge Jared C. Bennett on June 27, 2024, recommends that the court grant Defendant Intermountain Homecare & Hospice's ("IHH") Motion to Dismiss under 12(b)(5) for insufficient service of process.

Judge Bennett recommends granting IHH's Motion to Dismiss because Mr. Butterfield failed to carry his burden of showing valid service.² Judge Bennett made this determination based on the materials in the record after Mr. Butterfield failed to attend the evidentiary hearing on the matter.³

The parties were notified of their right to file objections to the Report and Recommendation within fourteen days of its service pursuant to 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72.⁴ No party filed an objection.

¹ Report and Recommendation, ECF No. 30, filed June 27, 2024.

² *Id.* at 5.

³ *Id.* at 6–7.

⁴ *Id.* at 7–8.

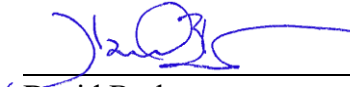
Because no party filed a written objection to the Report and Recommendation by the specified deadline, and because the analysis and conclusions of the Magistrate Judge are sound, the Report and Recommendation of Magistrate Judge Bennett is adopted.

ORDER

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED. Defendant's Motion to Dismiss under 12(b)(5)⁵ is GRANTED and Plaintiff's Complaint is DISMISSED without prejudice.

Signed July 25, 2024.

BY THE COURT:



David Barlow
United States District Court Judge

⁵ ECF No. 30.